

**ACADEMIC SENATE
of
CALIFORNIA POLYTECHNIC STATE UNIVERSITY
San Luis Obispo, CA**

AS-749-12

RESOLUTION ON FOR PROFIT COURSE MATERIALS WEBSITES

- 1 WHEREAS, The number and variety of for-profit web sites distributing student-uploaded course
2 materials, including lectures notes, practice quizzes, actual quizzes and actual exams is
3 increasing; and
4
- 5 WHEREAS, One such site, Course Hero, currently has materials for hundreds of Cal Poly courses and
6 at least some of the faculty whose materials are posted there did not even know about this
7 web site let alone that their course materials were posted therein
8 (<http://www.coursehero.com/sitemap/states/California/>); and
9
- 10 WHEREAS, The for-profit distribution of faculty-generated course materials by any unauthorized entity
11 violates the faculty's intellectual property rights (<http://rgp.calpoly.edu/policyIP.html>); and
12
- 13 WHEREAS, Websites such as Course Hero might be liable for violating faculty members' intellectual
14 property rights despite their application of notice-and-takedown procedures, and so strong
15 legal actions by the CSU may be appropriate to rectify the problem; and
16
- 17 WHEREAS, The for-profit distribution of student-generated lecture notes violates the Standards for
18 Student Conduct (Title 5, Article 2, Section 41303
19 <http://www.osrr.calpoly.edu/standardsforconduct/title5.asp>); therefore be it
20
- 21 RESOLVED: That the Academic Senate acknowledge and publish the attached general guidelines
22 regarding protecting copyright course materials provided by Albert Liddicoat, Associate
23 Vice Provost, Academic Personnel; and be it further
24
- 25 RESOLVED: That the Academic Senate urge the CSU administration to utilize all appropriate legal
26 avenues to prevent unaffiliated organizations from displaying, distributing, or otherwise
27 providing works of faculty members in violation of their intellectual property rights; and
28 be it further
29
- 30 RESOLVED: That the Academic Senate urge the Cal Poly administration to review and revise the
31 students' code of conduct and disciplinary procedures so that they clearly prohibit
32 violations of faculty members' intellectual property rights, including the dissemination of
33 faculty works to unaffiliated organizations without appropriate permission or authority.

Proposed by: Academic Senate Executive Committee
Date: March 21, 2012
Revised: April 26 2012

SUGGESTIONS TO PROTECT COURSE MATERIALS WHICH FACULTY MAINTAIN ARE COPYRIGHT PROTECTED

- Professors who choose to upload their documents on the internet should only do so through a password protected system such as Polylearn.
- Professors should instruct students about copyright issues and inform students that they are not authorized to upload faculty provided materials to a website without the faculty member's explicit permission. Instructors may choose to include this information on their course syllabi.
- If a professor provides students with written materials and the professor believes he/she has a copyright ownership interest in the material, the following notation should be included on the document:

"Copyright [year] [professor's name]" e.g., Copyright 2010 John Smith.

- Professor should remind students that the unauthorized upload of a professor's documents could violate CSU's Student Conduct Code (Title 5, California Code of Regulations Section 41301), subjecting the student to possible disciplinary action.

- If a professor created material that he/she believes is copyright protected and discovers that material has been published on a website without authorization, the professor may wish to contact the website contact person and request the material be removed. In most cases, this should be sufficient. However, if the website's designated contact person is uncooperative, the Office of General Council provides the following guidance for faculty who wish to request that their copyrighted materials be removed from the websites. The professor should send a letter to the website contact person which includes the following information:

1. Identify in sufficient detail the copyrighted material or work the professor believes has been infringed upon or other information sufficient to identify the copyrighted work. Providing the URL of the allegedly infringing work may be the best way for the website's contact person to locate the content quickly.
2. Provide your contact information. Generally, an email address is preferred.
3. If possible, provide the website's contact personnel with information to permit them to notify the individual that provided the allegedly infringing material to the website about your claim.
4. Include the following statements in the written request:

"I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by me as the copyright owner, my agent, or the law."

"I swear under penalty of perjury, that the information in this notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that

is allegedly infringed."

5. Sign the document and send it to the designated website contact person.

For additional information, The University of Texas has a comprehensive website which addresses copyright issues in the higher education context. It can be accessed at www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm

Albert A. Liddicoat, Ph.D.
Associate Vice Provost, Academic Personnel

State of California
M e m o r a n d u m

CAL POLY
SAN LUIS OBISPO

To: Steven Rein
Chair, Academic Senate

Date: June 18, 2012

From: Jeffrey D. Armstrong
President



Copies: K. Enz Finken
E. Smith
A. Liddicoat

Subject: Response to Academic Senate Resolution AS-749-12
Resolution on For Profit Course Materials Websites

This memo acknowledges receipt of the above-entitled Academic Senate resolution.

State of California
Memorandum

CAL POLY
SAN LUIS OBISPO

To: Steven Rein
Chair, Academic Senate

Date: September 20, 2012

From: Elizabeth Kinsley
Chief of Staff

Elizabeth Kinsley

Copies:

Subject: Academic Senate Resolution AS-749-12

It has come to my attention that President Armstrong's June 18, 2012, response to the above-entitled Academic Senate Resolution was incorrectly addressed to you as chair of the Academic Senate, which was before your term began.

Please consider this memo as acknowledgment that President Armstrong's response should have been addressed to 2011-2012 Academic Senate Chair Rachel Fernflores.

Thank you.